



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR 09 2006

VIA FACSIMILE & FIRST CLASS MAIL

Rebecca H. Gordon, Esq.
Perkins Coie LLP
607 14th Street, NW
Washington, DC 20005-2011

RE: MUR 5305
Dario Herrera
Herrera for Congress and
Michael W. Kern, in his official
capacity as treasurer

Dear Ms. Gordon:

On, March 2, 2005, you were notified that the Federal Election Commission found reason to believe that your clients, Dario Herrera knowingly and willfully violated 2 U.S.C. §§ 441f, 441b(a) and 441a(f), and that Herrera for Congress and Michael W. Kern, in his official capacity as treasurer, knowingly and willfully violated 2 U.S.C. §§ 441f, 441b(a), 441a(f), 434(b). On April 11, 2005, you submitted a response to the Commission's reason to believe findings. After considering the circumstances of the matter, the Commission determined on February 22, 2006, to take no further action as to Dario Herrera and Herrera for Congress and Michael W. Kern, in his official capacity as treasurer, and closed the file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). A copy of the dispositive General Counsel's Report is enclosed for your information.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Marianne Abely
Marianne Abely
Attorney

Enclosure
General Counsel's Report

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